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U.S. Citizenship
and Immigration
Services

LI

[REDACTED]

FILE:

MSC-04-356-11413

Office: NEW YORK

Date: NOV 13 2007

IN RE:

Applicant:

[REDACTED]

APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for Temporary Resident Status was denied by the Director, New York District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements. Specifically, she stated in her Notice of Intent to Deny (NOID) that evidence submitted in support of the applicant's claim did not pertain to the duration of the requisite period. In saying this, the director referred to Western Union money transfer receipts submitted as evidence by the applicant, the earliest of which is from February 20, 1986. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. Though the director noted that her office did receive additional evidence in response to her NOID, she states that the affidavits from [REDACTED] did not describe how the affiants met the applicant or that they were aware of the events and circumstances of her residency in the United States during the requisite period. The director went on to say that the letter from Church Pastor [REDACTED] did not state that the applicant was a member of his church during the requisite period. Because the director found the applicant did not prove by a preponderance of the evidence that she resided continuously in the United States for the duration of the requisite period, the director denied her application.

Though not noted by the director, it is noted here that the applicant also submitted a letter from the Reverend [REDACTED] who is the Pastor of [REDACTED] who stated that the applicant had contributed to his church since 1981. The regulation at 8 C.F.R. § 245a.2(d)(3)(v) states in pertinent part that attestations by churches can be considered credible proof of residence they: identify the applicant by name; are signed by an official whose title is shown; show inclusive dates of membership; state the address where the applicant resided during his or her membership period; include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationary; establish how the author knows the applicant; and establish the origin of the information being attested to. However, here the dates of the applicant's membership in the church are not shown, her address during her membership period is not shown and there is no indication as to what information was used to establish that the applicant contributed to this church since 1981. It is noted that the applicant would have been a minor in 1981. It is further noted that the applicant was asked to provide the names of all churches of which she has ever been a member on her Form I-687. Here, the applicant indicated that she was not a member of any churches.

On appeal, the applicant's attorney submits a letter requesting that the Service reconsider the denial of the application. With this letter and the applicant's Form I-694 Notice of Appeal of Decision he resubmits previously submitted documents. The applicant provided no additional evidence or explanation to overcome the reasons for denial of her application.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence. Nor has she addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.